Remarks

Pages 3 and 4 of the specification have been amended to supply the patent numbers of the applications that have matured into patents. The reference on page 4 to copending application Serial No. 09/407,391 has not been amended, since the application is still pending.

With regard to the Examiner's citation of 37 CFR 1.98(a)(2), this section applies to the contents of an information disclosure statement (IDS) filed under 37 CFR 1.97, not to a listing in the specification of references that are not carried over into the IDS itself. Nevertheless, applicants are obtaining copies of these publications and will forward them to the Examiner as soon as they are received.

Claim 6 has been amended to correct a typographical error. Claims 16-30 have been added.

New claim 16 is modeled on original claim 4, but recites specifying a maximum "capped" consumption (C_{CAPPED} in Fig. 2A) and comparing an actual "average" consumption to a maximum "average" consumption (C_{AVG} in Fig. 2) "greater than said maximum capped consumption". New claim 16 further recites that if the actual average consumption exceeds the maximum average consumption, the actual average consumption is reduced to the maximum average consumption "by alternatingly operating said logical partition in a capped mode in which said logical partition is limited to said maximum capped consumption and in an uncapped mode in which said logical partition is not limited to said maximum capped consumption".

New claims 17-19 are similar to claims 5, 7 and 8, but depend on new claim 16. New claim 20 is similar to original claim 11, but is dependent on claim 16. New claims 21-24 are similar to new claims 16-19, but are directed to apparatus.

New claim 25 is modeled after claim 15, but recites specifying a maximum "capped" consumption and comparing an actual "average" consumption to a maximum "average" consumption. Claim 25 further recites that if the actual average consumption exceeds the maximum average consumption, the actual average consumption is reduced to the maximum

average consumption "by operating said logical partition at least part of the time in a capped mode in which said logical partition is limited to said maximum capped consumption" (Fig. 2).

New claim 26 is similar to original claim 11, but is dependent on claim 25. New claim 27 is similar to new claim 26, but is directed to apparatus.

Claims 1-15 and new claims 16-27 are believed to distinguish patentably over the prior art, in particular the Breddan (4,489,386) and Beelitz (6,032,239) patents cited by the Examiner.

Considering first claims 1-15, each of these claims recites that the actual consumption of specified system resources in a logical partition is reduced to a specified permitted consumption or maximum allowed consumption if the actual consumption exceeds the permitted or allowed consumption. In Breddan, on the other hand, electrical loads are simply shed to keep total resource consumption within bounds. Breddan does not manage the resource consumption of individual loads (other than by shedding them from the system) and certainly does not reduce the actual consumption of an individual load to a permitted or allowed consumption as claimed by applicants. This is leaving aside, of course, the differences between applicants' logical partitions and the Breddan's electrical loads.

Considering next claims 16-24, these claims additionally recite that if the actual average consumption of resources by a logical partition exceeds a maximum average consumption (C_{AVG}), the actual average consumption of the resources is reduced to the maximum average consumption by alternatingly operating the logical partition in a capped mode in which the logical partition is limited to the maximum capped consumption (C_{CAPPED}) and in an uncapped mode in which the logical partition is not limited to the maximum capped consumption. Nothing in the art cited by the Examiner suggests this mode of operation. Rather, as noted above, in Breddan, electrical loads are simply shed to keep resource consumption within bounds, and are not alternatingly operated in a capped or uncapped mode as claimed by applicants.

Considering finally new claims 25-27 (as well as original claims 8 and 15), these claims additionally recite that the logical partition is assigned a phantom weight that is added to the sum

of the weights of the logical partitions in the group in determining the ratio of the weight of the logical partition to the sum of the weights of the logical partitions in the group. This phantom weight allows the disclosed capacity management scheme to be used with a logical partition which is the only partition in a group or whose capped capacity already exceeds the target capacity to which it is managed.

Again, nothing in the art cited by the Examiner suggests this feature of applicants' claimed invention. The Examiner takes official notice in paragraph 17 of the action that uses of weights within partitions are "well known in the art". However, the Examiner points to nothing in the art that would suggest applicants' notion of also assigning to a partition a phantom weight, which is added to the sum of the partition weights (i.e., to the denominator) to determine the ratio of the partition weight to the total weight.

For the foregoing reasons, claims 1-15 as originally presented and new claims 16-27 are believed to distinguish patentably over the cited art. Reconsideration of the application as amended and a favorable action on the merits are therefore respectfully requested.

Respectfully submitted,
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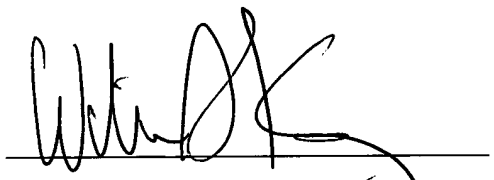
By 

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